



KENTUCKY DEPARTMENT OF EDUCATION

Superintendents' Webcast

SUMMARY

WEBCAST DATE: MAY 19, 2020

SUMMARY:

A summary of content covered during this [webcast](#) also can be found on [Kentucky Teacher](#).

Agenda Item: Welcome

Presenter: Kevin C. Brown, Interim Commissioner

Summary of Discussion:

Interim Commissioner Kevin C. Brown welcomed everyone and provided a brief overview of the agenda.

Agenda Item: KDE Communications Update on Class of 2020 Recognition

Presenter: Toni Konz Tatman, Interim Director of Communications

Kentucky Department of Education

Summary of Discussion:

Toni Konz Tatman shared details about how the 2020 graduating class is being honored. A one-hour tribute to the class of 2020 will stream at 7 p.m. ET on Saturday, May 23. Details can be found in the [presentation](#) used during the [webcast](#).

Feedback:

None.

Follow-up Required:

None.

Agenda Item: 2020 Commissioner Search

Presenter: Toni Konz Tatman, Interim Director of Communications

Kentucky Department of Education

Summary of Discussion:

The formal notice for applications and nominations is available. Links can be found in the [presentation](#) used during the [webcast](#). Applications and nominations are being accepted through

May 31. The search firm, Greenwood/Asher & Associates, does not make hiring decisions; the next commissioner will be hired by the Kentucky Board of Education.

Feedback:

None.

Follow-up Required:

None.

Agenda Item: Guidance for Reopening Schools

Presenter: Kelly Foster, Ed.D., Associate Commissioner, Office of Continuous Improvement and Support

Kay Kennedy, Program Consultant, Office of Finance and Operations
Kentucky Department of Education

Summary of Discussion:

Kelly Foster, Ed.D., presented an overview of the [re-opening guidance document](#) that was released on Friday, May 15. Details can be found in the [presentation](#) used during the [webcast](#).

- As the COVID-19 situation evolves and additional recommendations from Governor Beshear and the Department for Public Health are issued during the summer, additional guidance documents will be produced by KDE to meet the needs of Kentucky's schools and districts. The first three topics that will be covered in more detail are alternative learning experiences, health and safety considerations, and social and emotional learning.
- The four buckets covered in the document are health and safety for all, maintaining quality teaching and learning, support for exceptional learners and school and district operations. Guiding questions and identified risk factors are provided for each topic.
- The document contains recommendations for district and school re-opening teams along with information about each type of opening the governor has asked districts to consider.

Kay Kennedy informed the group the Department for Public Health has released guidance about cleaning and sanitizing school buildings. A link to the guidance can be found on [KDE's COVID-19 website](#).

Feedback:

None.

Follow-up Required:

None.

Agenda Item: Updates on Completion of Industry Certifications and Dual Credit Lab-Based Courses

Presenter: David Horseman, Associate Commissioner, Office of Career and Technical Education and Student Transition
Kentucky Department of Education

Summary of Discussion:

KDE has been working with the Kentucky Community and Technical College System (KCTCS), the Kentucky Higher Education Assistance Authority and the Council on Postsecondary

Education to develop options for students who need to complete lab-based completion of industry certifications and dual credit lab courses. KCTCS has offered its facilities and instructors for dual credit course labs. The option being considered for industry certifications is for students to fulfill the requirements at a secondary facility. There also are options for students who do not wish to complete the courses in person at this time. Details can be found in the [presentation](#) used during the [webcast](#).

Feedback:

None.

Follow-up Required:

None.

Agenda Item: Accessing ESSER Funds

Presenter: Robin Kinney, Associate Commissioner, Office of Finance and Operations
Kentucky Department of Education

Summary of Discussion:

Associate Commissioner Robin Kinney reviewed details about the Elementary and Secondary School Emergency Relief (ESSER) fund, which is part of CARES Act funding. The [federal allocations](#) are posted online and districts can see how much they will receive. An [ESSER guidance document](#) with more detailed information will be released this afternoon. Details also may be found in the [presentation](#) used during the [webcast](#).

Feedback:

None.

Follow-up Required:

None.

Agenda Item: Considerations for Reopening for Special Education

Presenter: Gretta Hylton, Associate Commissioner
Sylvia Starkey, Division Director
Veronica Sullivan, Division Director
Office of Special Education and Early Learning
Kentucky Department of Education

Summary of Discussion:

Gretta Hylton, Sylvia Starkey and Veronica Sullivan discussed special education considerations for reopening schools, including equity and access, least restrictive environment, compensatory education, timely evaluations, progress monitoring and data analysis, regression assessments and contingency planning. District leaders were encouraged to begin conversations about these issues with their directors of special education. Several guidance documents are posted on [KDE's COVID-19 website](#). Details also may be found in the [presentation](#) used during the [webcast](#).

Feedback:

None.

Follow-up Required:

None.

Agenda Item: General Question and Answer Session

Presenters: Kentucky Department of Education Leadership Team

Unanswered questions from the May 12 webcast were addressed:

Question: Has the number of allowable NTI days been established for the 2020-2021 school year?

Answer: An approved NTI application for 2020-2021 gives the district the opportunity to seek approval for up to 10 NTI days per [KRS 158.070\(9\)](#). The General Assembly or the governor must extend the number of days, and neither has done so as of today. There is a strong likelihood that NTI days will be used in the fall, and districts should know that the General Assembly or the governor will approve the appropriate relief as it is needed.

Question: When will information about P-EBT be available to share with families?

Answer: The Cabinet for Health and Family Services and KDE are awaiting approval of the state plan from the United States Department of Agriculture (USDA). Information will be released as soon as the approval is announced. The Division of School and Community Nutrition is cautiously optimistic the state plan will be approved this week.

Question: Are local school boards allowed to meet in person?

Answer: School districts should consult with local public health officials regarding the advisability of in-person meetings. Virtual meetings are permitted under the Open Meetings Act and districts are not required to make an in-person location available for public attendance during the state of emergency. If school boards conduct in-person meetings, they should comply with all public health requirements.

Question: Fingerprints must be obtained for background checks on newly hired employees. How should districts handle this process?

Answer: With in-person restrictions easing, school districts should check with their local law enforcement agencies or officials to determine an acceptable, safe process for collecting fingerprints.

Question: May districts hold summer school for students in very small numbers, especially for students who need to complete CTE certification?

Answer: Guidance will be posted by the KDE Office of Career and Technical Education and Student Transition the week of May 18 regarding conditions that must be met before a secondary student can return to a secondary or postsecondary campus during the summer months to continue industry certifications, assessments and lab-based dual credit coursework. The postsecondary facilities have been approved for reopening for this purpose. Districts will be notified when secondary facilities have been approved.

Question: Is there guidance about parents not wanting to send their children to school based on health safety concerns?

Answer: Guidance is being drafted and will be released soon. There is information in the guidance document about the practice of conducting virtual instruction for students who are not

able to return to school while conducting in-person instruction for those who do. Attendance issues are being considered as it relates to instruction and funding. Several options are being considered, but a final solution has not been developed yet. [Robin Kinney](#) asked superintendents to submit suggestions that could be applied to all districts.

Question: How would alternating days for students be counted? Would students receive NTI for every other day? Is there a maximum number of NTI days in this scenario?

Answer: These scenarios are being worked out; decisions and recommendations are not ready yet. Next year, especially next semester, will be unusual. Innovation will be necessary to reach all students.

Question: Has anyone seen the child care recommendations from the governor, as they can open in June? This impacts districts that offer a child care program.

Answer: Guidance is currently being drafted and will be released soon.

Question: When will districts know how much CARES Act funding they will receive?

Answer: The allocations were posted on May 15.

Question: Flexibility has been mentioned, including waiving legislative requirements. What are some of the requirements that could possibly be waived?

Answer: The Kentucky Board of Education has taken action to waive previous provisions of multiple administrative regulations. Furthermore, KDE relied on an executive order to waive statutes requiring civics tests for graduation and end-of-course tests for certain early graduates. These actions took place during the 2019-2020 school year. If a district has a specific waiver request, it can be submitted to KDE.

Question: Will there be a summer feeding program or flexibility with breakfast and lunch for those on the virtual program who cannot come to school for health reasons?

Answer: If school is in session with some students attending in-person and some students attending virtually, there are a few options and some require waivers for operation. Potential solutions and their requirements are:

- Summer Food Service Program used for home-bound students would require waiver approval from the USDA, with School Meals Program (National School Lunch Program (NSLP) and School Breakfast (SBP)) being used at the schools.
- NSLP/SBP provided for home-bound students also would require USDA waiver approval.
- Child and Adult Care Food Program (CACFP) at risk where supper meals could be provided during after-school hours.

Question: How should districts count days and hours if they implement alternating days with half the students present each day? Will teachers still count each day as one?

Answer: Teachers would get credit for each day, even if only half the students are present. The alternating day scenario was never contemplated by the current system. Exactly how alternating days would work in practice is being researched by KDE.

Question: Is there an update available on the Volkswagen funds?

Answer: This settlement is administered by the Energy and Environment Cabinet (EEC). [HB 352](#), effective July 1, 2020, allocates \$8.5 million to reimburse districts up to 50% of

replacement costs for up to five buses year 2001 or older. See [EEC's website](#) for more information.

Question: Is there any information on funds that were in the budget to support SB1, such as facilities safety funding and mental health personnel?

Answer: [HB 352](#), the budget bill, provides \$18.2 million in bonding authority to KDE for district facility security upgrades. HB 352 takes effect July 1, 2020, and KDE will make additional information available in advance of funding availability.

Question: Alternate school calendars could cause concerns with the timing of each district's payroll schedule, voluntary benefit withholdings, etc. How should districts handle these issues?

Answer: KDE is researching various alternate school calendar models for workability and viability. Districts will receive guidance and recommendations as we work through these issues together.

Question: Which Title I formula will be used?

Answer: State education agencies must allocate 90% of ESSER funds to local education agencies based on fiscal year 2019 Title I, Part A funding granted through the Every Student Succeeds Act.

Question: Will districts receive approval of NTI applications before getting local board approval?

Answer: Districts who need their NTI application reviewed should name the final draft and notify KDE.

Questions from today's webcast were addressed:

Comment: There are concerns about masks being required for students in the fall and the safety issues around possibly not being able to identify students, especially at the high school level.

Response: John Akers, executive director of the [Kentucky Center for School Safety](#), is researching these kinds of issues and will keep KDE informed. Additionally, forthcoming guidance from the Department for Public Health (DPH) will include a recommendation for cloth masks to be worn in school this fall. DPH suggests requiring students to wear photo identification for safety and security purposes, especially at the high school level.

Question: Are local board meetings permitted to take place in person if attendance is limited to 10 people and live streaming is available?

Answer: In-person meetings are not currently prohibited. If an in-person meeting is held, the district should consult with the local health department to ensure social distancing guidelines are adhered to and personal protective equipment (PPE) is provided. The Attorney General's Office issued an opinion that state agencies, including local boards, may host virtual public meetings during this state of emergency. The public must have access to the virtual meetings. Districts also should consult with their board counsel.

Question: Can KDE share its Healthy at Work plan as an example/model to be utilized or modified at a district level?

Answer: KDE received guidance from the governor and the Personnel Cabinet for state government and the information can be shared with districts via [KDE's COVID-19 website](#).

KDE will modify or enhance its plan to accommodate Area Technology Centers, the Kentucky School for the Deaf and the Kentucky School for the Blind.

Question: Could districts implement a hybrid model allowing in-person instruction for students with disabilities and those below grade level, while all other students remain in remote learning?

Answer: Students with disabilities must be afforded the same rights as students without disabilities. To avoid discriminatory practices or inadvertently engage in exclusionary practices, it is recommended that districts not make those decisions based on disability status. Decisions based on students' unique needs should be considered by the ARC, where the least restrictive environment (LRE) for the child can be determined.

Question: Has DPH provided guidance about what to do if schools re-open and a student tests positive? Must the entire school quarantine?

Answer: A representative from DPH was on the call and said the local health department will handle this through contact tracing in a manner similar to the way pertussis outbreaks in schools are handled. Only those who have been in direct contact with the infected student would be restricted from school or quarantined.

Question: Will funding information about transportation and food services be available soon?

Answer: Food services are still calculated with the USDA formula of meals multiplied by rate. Conversations are being held at the state and national levels about the possibility of a higher rate or other ways districts could receive additional funding due to lower numbers and increased costs.

Question: When can districts expect to see more details about flexibility in current legislation to allow alternate models (e.g., more NTI days) for 2020-2021?

Answer: Unless a special session is called, the General Assembly will not meet until January 2021. Two options for flexibility exist and will be used if a special session is not held. The Kentucky Board of Education (KBE) has the authority to waive their administrative regulations and the governor has some authority to waive statute provisions under the Emergency Powers Act.

Question: Could KDE provide some clarification about the letter sent from Senator Wise? Should districts delay opening until Aug. 24 if they want the option of having fewer instructional days in the 2020-2021 school year?

Answer: The letter was a reminder about [KRS 158.070](#), a law that has been in place since 2017. It allows districts flexibility in instructional days if the first student attendance day is no earlier than the Monday closest to Aug. 26. School calendar determinations are still made at the local level.

Question: This question is in the re-opening guidance document. How can social distancing be accomplished for students who require 1:1 assistance and supervision? What if it cannot be accomplished?

Answer: Several challenges must be considered. For example, what are the barriers preventing social distancing? The local health department should be consulted for guidance and recommendations. The admissions and release committee (ARC) should convene to determine the least restrictive environment (LRE) for a student with an IEP while also considering the safety and health of the student. It is important to note that if a student has an IEP and it is

determined that LRE is a home/hospital (HH) setting, the ARC must make this decision rather than the HH committee.

Question: Could KDE provide feedback on these models?

- *Alternating week A-B model* with half of the students receiving in-person instruction while the other half works on project-based learning at home.
- *Using NTI Monday-Wednesday* and providing in-person instruction for half the students on Thursday and the other half on Friday (if granted unlimited NTI).

Answer: This would allow fewer students in the building at one time, but there is no right or wrong answer. Considerations include the number of students enrolled at each building, bus routes, etc. The district will have to choose a model that works best for their community. Anticipated guidance from DPH should provide some clarity about requirements for schools.

Question: Regarding certified staff members assigned to virtual instruction of medically fragile students, will there be a waiver of specific certifications so teachers can teach outside their subject area?

Answer: Remote learning may not be the LRE for every medically fragile student; ARCs need to make that determination. If necessary, the district must submit a [Program Teacher Assignment Waiver](#) request.

Question: Which funds should a local district use to pay for compensatory education services due to the current circumstances?

Answer: There will not be waivers under IDEA, including maintenance of efforts requirements, so district should closely examine their state and local expenditures before using additional federal funds to avoid possible non-compliance under IDEA.

Question: Why is the ESSER distribution less than 83% of the Title I allocation?

Answer: There has been some confusion due to districts looking at more than the original Title I allocation. District allocations that have been examined show funding is within a half percent of the expected allocation. Districts with questions should contact [Charlie Harman](#) or [Robin Kinney](#).

Question: Are school districts expected to provide PPE (masks) for all students?

Answer: DPH will provide more guidance but the current understanding is that based on current data, students will be wearing masks in school this fall. Districts should include the possibility of providing masks in their planning around accommodations for free and reduced lunch students and contingency plans for students who forget their mask.

Question: If the ARC determines that a student is eligible for compensatory education services, but the parent does not want the student to receive those, is there a way to document the parent's wishes beyond conference summary notes?

Answer: Documentation within the conference summary notes should be sufficient. During the ARC meeting, districts should document everything being offered, including transportation. The district also should document the parent's concerns and determine if a solution can be reached.

Question: How will students complete their industry certificates if they were not in dual credit courses or enrolled at an ATC?

Answer: The same guidance will apply to students who were enrolled in a career and technical education program at a comprehensive high school. Admission into buildings will be a decision for local districts and health departments. KDE will apply lessons learned from the KCTCS re-opening to re-opening efforts in local school buildings over the summer.

Question: Do districts have any recourse when students refuse to wear masks or parents refuse to wear masks at school-sponsored events?

Answer: Districts will make that determination but should consider whether students and/or parents have health issues that may prohibit wearing a mask.

Question: What will compensatory education look like for students with severe disabilities who spend a large portion of the day in a resource classroom setting? Should districts consider after-school hours, summer months, etc.?

Answer: Compensatory education is offered in addition to regular services and must be provided outside the regular school day. Compensatory education must be planned and designed by the ARC.

Question: Is KDE communicating with postsecondary institutions about student teaching and how it could occur this school year, depending on the model districts implement?

Answer: Input is being gathered from post-secondary institutions. Students must participate in the field placement, whether it be in a blended model, in person or NTI. Some districts allowed student teachers to participate in NTI and the student teachers were able to complete the 70-day requirement. Educator preparation programs are working on virtual options. KDE will work closely with districts and educator preparation programs to determine how student teachers can participate in field placements.

Question: Could KDE provide districts with average daily membership (ADM) funding numbers versus average daily attendance (ADA) for comparison purposes?

Answer: The pros and cons of ADM has been a discussion previously. Legislative action would be required for an overall shift to ADM funding. Relying on the authority of the KBE or executive privilege to use ADM has been mentioned as a possible stopgap measure for districts this fall due to the current situation. Thoughtful consideration must be given to an issue of this magnitude to avoid unintended consequences.

Question: If ADM is not an option, would ADA from the 2019-2020 school year be used again?

Answer: That is one of many options that are being considered.

Questions for follow-up:

- May districts use performance-based credit for attendance at the elementary level?

Agenda Item: Adjournment

Presenter: Kevin C. Brown, Interim Commissioner

Discussion:

Superintendents will receive an invitation for a call with the governor taking place on Thursday, May 21 at 1:30 p.m. ET to discuss issues related to school re-opening with DPH.

Brown ended the meeting by expressing his gratitude for the hard work of education professionals across the state. Unanswered questions will be addressed in the Q&A document and during next week's webcast.

The next superintendents webcast is scheduled for 2 p.m. ET Tuesday, May 26.